

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. 6:07CR57
	§	JUDGE DAVIS
MICHAEL LAYNE SMITH (01)	§	

ELEMENTS OF OFFENSE

You are charged in Count 1 of the Indictment with Conspiracy to possess with intent to distribute methamphetamine, in violation of Title 21, United States Code, Section 846. The essential elements which must be proven to establish a violation of this offense are:

- FIRST: That within the time frame alleged in Count 1 of the Indictment, you and another person, directly or indirectly, reached an agreement to possess with intent to distribute and did distribute methamphetamine,
- SECOND: That you knew of the unlawful purpose of the agreement, and,
- THIRD: That you joined in the agreement willfully, that is, with the intent to further its unlawful purpose.
- FOURTH: That the overall scope of the conspiracy involved at least 500 grams but less than 1.5 kilograms of a mixture or substance containing a detectable amount of methamphetamine.

To "possess with intent to distribute" simply means to possess with intent to deliver or transfer possession of a controlled substance to another person, with or without any financial interest in the transaction.

Respectfully submitted

JOHN L. RATCLIFFE
ACTING UNITED STATES ATTORNEY

/s/ Richard L. Moore
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CERTIFICATE OF SERVICE

On this the 15th day of November, 2007, I, Richard L. Moore, Assistant United States Attorney for the Eastern District of Texas, the attorney of record for the United States of America herein, do certify that a true and correct copy of the foregoing instrument was filed with the Clerk of the District Court using the CM/ECF system which sent notification of such filing to the following:

1. Ken Hawk
ken_hawk@fd.org

/s/ Richard L. Moore
RICHARD L. MOORE